

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

)	Case Number
KIM WRIGHT)	
Plaintiff,)	
)	
vs.)	CIVIL COMPLAINT
)	
NCO FINANCIAL SYSTEMS, INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Kim Wright, by and through his undersigned counsel,
Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Kim Wright (hereinafter “Plaintiff”), is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant transacts business here, has an office here and has an agent for service of process in Pennsylvania.

III. PARTIES

4. Plaintiff, Kim Wright, is an adult individual and citizen of the State of Indiana, whose mailing address is 14501 N. 800 East, Dunkirk, Indiana 47336.

5. Defendant, NCO Financial Systems, Inc (“Defendant”), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the Commonwealth of Pennsylvania, with its principal place of business located 507 Prudential Road, Horsham, Pennsylvania 19044.

6. Defendant is engaged in the collection of debts from consumers using the mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. Starting in or around July 2008, Plaintiff started receiving a series of harassing, abusive and threatening telephone calls from Defendant, by and through its agents, relative to a debt allegedly owed to “American Express” for a consumer credit account.

8. Defendant’s representatives have persistently called Plaintiff’s cell number and place of employment.

9. Defendant has never provided validation notice of the debt in question.

10. Despite Plaintiff’s instruction to Defendant to stop calling her, Defendant’s representatives persist on calling and harassing Plaintiff, and spoke to Plaintiff’s supervisor and indicated that it was a matter involving a wage garnishment and the Plaintiff.

11. Defendant, by and through its agents, have left numerous harassing, threatening and deceptive messages which do not identify the identity of the caller or the nature of the call.

12. An agent for the Defendant called “Stacey” a co-worker of the Plaintiff and asked her if she was Plaintiff or maybe Plaintiff’s daughter.

13. An agent for the Defendant also called Plaintiff’s neighbor, Charles Wright and left a message for him to give to Plaintiff “about a debt” and one of the Defendant’s phone numbers to return the call.

14. Defendant’s rude, abusive, demeaning, deceptive and harassing calls to plaintiff are a violation of the FDCPA.

15. Defendant’s refusal to validate the alleged debt, as requested by the Plaintiff, is a violation of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

16. The above paragraphs are hereby incorporated herein by reference.

17. Defendant violated the FDCPA. Defendant’s violations include, but are not limited to, the following:

- a. 15 U.S.C. 1692d, d(5) and d(6)
- b. 15 U.S.C. 1692e, e(1), e(2), e(4), e(8), e(9), e(10), e(11), e(13), e(14)
- c. 15 U.S.C. 1692f

18. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in their favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. §1692k;
- d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;

and

e. Such addition and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: 9/23/08

BY: /s/Bruce K. Warren

Bruce K. Warren, Esq.

Warren & Vullings, LLP

1603 Rhawn Street

Philadelphia, PA 19111

215-745-9800 Fax 215-745-7880

Attorney for Plaintiff